



**Mayor of the City of New Orleans**

**Sexual Violence Response Advisory Committee**

**June 2016 Update**

## **I. Acknowledgements:**

- Chair: Professor Tania Tetlow, Tulane Law School
- Ginesse Barrett, Sexual Assault Nurse Examiner
- Commander Doug Eckert, NOPD
- Deon Haywood, Director of Women with a Vision
- Mary Claire Landry, Director of Family Justice Center
- Stacie Leblanc, Director of Children's Advocacy Center and Audrey Hepburn Care Center
- Dr. Pam Jenkins, Site Coordinator of Sexual Assault Kit Initiative Grant
- Graymond Martin, First Assistant District Attorney
- Suzanne Mayeux, Citizen member and survivor
- Nelle Noble, Domestic Violence & Sexual Assault Program Director, City of New Orleans Health Department
- Charlotte Parent, Director of Health Department, City of New Orleans
- Amanda Tonkovich, Sexual Assault Victim Advocate at Family Justice Center and Co-Chair of SART

## **II. Executive Summary**

In March 2015, the Mayor appointed this Committee to help him transform the New Orleans Police Department's response to sexual assault. The Committee worked closely with NOPD and city officials to enact reforms regardless of the obstacles. In August 2015, the Committee issued a report detailing dozens of reforms already accomplished or well underway.

Within a mere six months, city officials successfully applied for a \$1 million federal grant to prevent future backlogs of sexual assault kits and to test the existing backlog. They worked with committee members to draft a new NOPD sexual assault policy that would meet the approval of the Department of Justice. They sought Civil Service and City Council approval for incentive pay to retain and attract the best detectives. They hired social workers and civilian investigators to work with a beefed up and fully supplied detective unit. Committee members drafted and lobbied for a state statute to approve multi-disciplinary oversight of police investigations.

Committee members continue to work closely with NOPD, which has successfully implemented almost every suggested reform. Committee members continue to work closely with NOPD, which has successfully implemented almost every suggested reform. Commander Doug Eckert and the current supervisor of the unit, Lieutenant Bruce Haney, have done an excellent job in providing leadership, supervision and raising morale. Most importantly, despite serious manpower shortages, the Department dedicated several new detectives to the Sex Crimes and Child Abuse units.

The measure of this success is that sexual assault victims have demonstrated increased trust in the Department by reporting at much higher rates. Reported cases for the unit were up by 83% in 2015 and are projected to rise an additional 78% in 2016. This increase in reporting, however, has outpaced the Department's available detective resources. This leaves detectives with untenable caseloads, only somewhat alleviated by greater civilian resources. This is the remaining weak link in NOPD's response, a caseload that taxes the ability of the hard-working NOPD detectives to do the kind of work they are capable of.

### **III. Update on NOPD Reforms:**

#### **Policy and Procedures for NOPD:**

Last year, the City's policy experts, the NOPD Compliance Bureau and the Committee worked to create policy and procedural manuals for both sex crimes and child abuse. Since then, these policies were approved by the Department of Justice and have been implemented. They represent an intensive and important effort to apply national best practices to the investigation of sex crimes against adults and children. They instruct patrol officers on the proper treatment of victims at the scene and the preservation of evidence necessary before patrol turns over the investigation to a detective.

#### **Strengthening Supervision:**

NOPD endured a great deal of turnover before finally identifying the supervisor best suited for the important and difficult work of the Special Victims Unit. Committee members continue to work closely with NOPD, which has successfully implemented almost every suggested reform. Commander Doug Eckert and the current supervisor of the unit, Lieutenant Bruce Haney, have done an excellent job in providing leadership, supervision and raising morale. Most importantly, despite serious manpower shortages, the Department dedicated several new detectives to the Sex Crimes and Child Abuse units. Without their vision, and the hard work of the detectives, meaningful change would not be possible.

NOPD worked with the Committee to embed structural methods of supervision that will outlast current good intentions.

- Every case now contains an investigative checklist to confirm detectives have thoroughly pursued a full variety of investigative techniques. The checklist also reminds detectives to pursue avenues used too infrequently in the past, such as recording calls between the victim and suspect and searching for other possible victims of a serial perpetrator.<sup>1</sup>

---

<sup>1</sup> The Committee discussed using more quantitative statistical measures of performance, but determined that these would be counterproductive. It is difficult to measure actual rates of sexual assault because the vast majority of it goes unreported. As NOPD regains the trust of sexual assault victims, reporting goes up rather than down. Focus on the arrest or solve rate of cases would have the unintended consequence of encouraging detectives to disprove difficult cases rather than to work

- The newly approved policies also require detailed supervisory review.<sup>2</sup>
- The SVU Unit uses its new social workers, along with outside advocates, to contact each victim to seek feedback on detective performance. Victims are given the opportunity to file a formal complaint with the Public Integrity Bureau or, if they prefer, to offer constructive criticism anonymously. The Unit Supervisor then reviews any critical feedback with detectives.

Most importantly, NOPD is submitting a cross-section of cases to a Multi-Disciplinary Team (“MDT”) to allow a variety of professionals to evaluate its work. State law already requires that all child abuse cases (including child sexual abuse cases) go through an MDT. Last year, the Committee drafted and successfully lobbied for a state law allowing the use of MDTs in adult sex crimes cases. In these meetings, the assistant district attorney, victim advocates, sexual assault nurse examiners and crime lab experts come together to review cases presented by NOPD detectives. They question detectives about the quality of their investigations, give them ideas for follow-up, correct the impact of stereotyping and false assumptions, and provide constant feedback to detectives. The group also ensures that survivors have been supported and connected to services and resources.

### **Resources:**

In its original report, the Committee analyzed relevant data and national best practices and recommended an average caseload for each sex crimes or child abuse detective of 26 cases a year. At the time of the Committee’s initial report, sex crimes detectives handled from 40-60 cases a year, and child abuse detectives often juggled more than 100.

Despite serious manpower shortages, NOPD has increased the number of detectives during the last year. The number of detectives in the Child Abuse Unit rose from 6 to 10, and the number in Sex Crimes from 7 to 9, but progress remains slow while the Department builds back its numbers.

Further, recent reforms resulted in a rise in reporting of sexual assaults.<sup>3</sup> This

---

diligently to prove them. There is no replacement for in-depth supervision to evaluate, through individualized review, the quality of detective work in each case.

<sup>2</sup> The original plan of requiring detailed review of each and every case has proved unrealistic, however, and NOPD has successfully sought approval from the consent decree monitor to focus instead on a more thorough qualitative review of a cross-section of cases. The Committee fully supports this approach.

<sup>3</sup> The Special Victims Section this year has and continues to investigate 230 sexual assaults year to date compared to 90 for the same period in 2015. The 230 sexual assaults investigated included First and Second Degree Rapes, as well as felony and misdemeanor sexual batteries. Additionally, the Special Victims Section has investigated unclassified deaths involving children, assisted with homicide and

represents real progress and a sign of increasing faith from the community. The resulting increase in workload, however, already has overwhelmed the increased investment in the unit. Accordingly, the current caseload for both child abuse and sex crimes detectives averages 86-87 cases a year.<sup>4</sup> ***This remains the most serious area of remaining need.***

The Department has done what it can to provide civilian help. It hired two civilian investigators for Sex Crimes and one for Child Abuse. These investigators assist with supplemental reports, obtaining buccal swab warrants, authoring reports on the unreported sexual assault kits, and assisting NOPD detectives where needed. The social workers, discussed below, assist with keeping in constant contact with victims.

NOPD also has been able to provide significantly more equipment resources for detectives to further their investigative work, from new vehicles and phones to machines to copy electronic recordings of interviews. The Department recently confirmed that it can access the sex offender registry fee fund to provide the remaining necessary equipment and vehicles, much of which has been ordered.

In other efforts to prioritize the investigative work of detectives and to maximize their time, the Department will install an evidence drop box for the Unit in the Family Justice Center, and will attempt to avoid assigning SVU detectives to special event duty. The Committee continues to work with Child Protective Services to avoid the use of Child Abuse Detectives to care for children during delays in response.

### **Special Pay for Special Victim Unit**

The Committee recommended special pay for the detectives in the SVU in order to correct the current disincentives to serve and to increase morale brought low by the 2014 Inspector General audit. A 5% increase was approved by the City Council and by Civil Service and has been implemented.

### **Move to the Family Justice Center:**

Last summer the Sex Crimes Unit joined Domestic Violence detectives at the New Orleans Family Justice Center (“FJC.”) The FJC provides a full array of services for victims of sexual assault and domestic violence (categories which frequently overlap). The Detectives’ presence at the FJC provides a warmer environment for victims to endure interviews about their rapes, and it increases the chances that victims will connect with the social services that they need. That transition has

---

shooting investigations involving children, carnal knowledge investigations, indecent behavior investigations, and cruelty to juvenile investigations.

<sup>4</sup> As of April, the Child Abuse Unit has 216 cases year to date with 10 detectives and one civilian investigator assisting. That’s an average of 21.6 cases per detective for the first quarter of 2016; at this pace the Child Abuse detectives will likely have 86 cases each by the end of 2016 at the current staffing level. As of April, the Sex Crimes Unit has 175 case year to date with eight detectives and one civilian investigator assisting. That’s an average of 21.9 cases per detective for the first quarter of 2016; at this pace Sex Crimes detectives will likely have 87 case each by the end of 2016 at the current staffing level.

gone well.

**Training:**

Members of the Committee have volunteered many hours of training for SVU detectives, and the FJC has sponsored several national trainings. The Committee is working on better ways to facilitate immediate training of individual detectives in their first weeks on the job. Unfortunately, the four hour sex crimes training designed by the Committee for patrol officer “in service” training has been replaced by an online webinar course.

While the committee recognizes the need to have detectives focused on their investigations and the reality of manpower shortages, live trainings based on national best models would be a preferred method. As manpower continues to increase, a concerted effort towards live trainings would be the recommendation of the committee.

**Sexual Assault Kits**

Communities in the rest of the state have responded to recent state legislative pressure to prevent sexual assault kit backlogs by flooding the state crime lab with DNA evidence. As a result, NOPD will need to send its existing backlog for private testing elsewhere, and has created a policy to better prioritize DNA evidence as it waits in line at the Crime Lab. Testing a kit in order to possibly identify an unknown rapist, for example, should take priority over testing a kit in which the defendant admits to sexual contact but claims that it was consensual.<sup>5</sup>

There has been significant progress on this front. NOPD has already tightened its policies to ensure a backlog will not occur again, and detectives must now explain in writing any delay in submitting kits. NOPD has sent four new analysts to the State Crime Lab to help with the current backlog, though it has taken extensive time to properly train them. The City successfully applied for a \$1 million Department of Justice grant to privately test the existing backlog of kits and to design sophisticated systems to prevent any future backlogs. The City has already created several new positions to help with that process, including a civilian position to better prioritize and account for DNA evidence and a social worker tasked with contacting victims to inform them of a DNA match in their case, and to work with them going forward.

**Social Workers:**

At the request of the Committee, NOPD hired three social workers to serve within the Sex Crime Unit. These social workers are working with victims from the very beginning of their cases, and will stick with them throughout the investigation. Social workers now offer much more constant communication, comfort, referral to resources and general support, all of which will increase the likelihood that victims will find the strength to participate in investigations.

---

<sup>5</sup> It is still important to test the second kit, however, in order to enter the suspect into the CODIS database and check for serial offenses.

**Case Summary Meetings:** Once an investigation has stalled and there remain no leads to follow, the case will be transferred to the Cold Case squad to await the possibility of future evidence (ranging from a DNA match to a new complaint against a serial perpetrator.) Previously, this case transfer occurred automatically at the one-year mark and without notifying the victim. Now, however, the transfer will be determined in a case specific way and the detective will be required to sit down in person with the survivor, social worker, any outside advocate working with the victim, and an NOPD supervisor, in order to conduct a “Case Summary meeting.” At that meeting, the detective will explain the status of the case and its transfer.

#### **IV. Remaining Long Term Goals**

##### **Retention of the Best Detectives**

The Committee recommends that NOPD alter some of its usual policies of cycling the best officers through different departments, and that it allow retention of good detectives in the Special Victims Unit. Over the years, advocates have invested hundreds of hours of training and technical assistance into detectives who turn over all too frequently. While detectives who burn out or find themselves unsuited to the work should be allowed to transfer, those who develop real expertise and who want to stay should be allowed to do so. In order to further this goal, the Committee recommends creating a special “detective track” within NOPD – a track that exists in many other municipal police departments – to allow detectives to seek promotion and remain detectives. The Superintendent has expressed support for this idea and begun working with Civil Service staff.

##### **Blind reporting**

The Committee is examining the modern trend towards allowing “blind reporting” by victims. This policy would permit victims who do not want to pursue an investigation to give a statement to police, who would therefore have the benefit of the information to help identify serial perpetrators. If a pattern emerges through the extra information learned from blind reporting, the police could then go back to the initial victims to see if they would be willing to come forward once they were no longer alone. Current state law allows blind reporting as a matter of right for victims seeking hospital rape exams, but not for reporting to law enforcement. The Committee believes this policy to hold real promise in catching more serial perpetrators, but worries that it should not be implemented until the Sex Crime Units have the manpower they need to properly address a resulting increase in reporting.

In the meantime, committee members are working on alternative strategies including a protected database to track and identify serial perpetrators and give victims to option of being contacted with this additional information to make an informed decision about reporting.

The Committee recommends that child deaths be handled by the Homicide Unit, not

the overburdened Child Abuse Unit.

**Selection of Best Detectives:**

The Committee recommends that NOPD carefully select detectives eager and able to do the difficult work of investigating sex crimes and child abuse. The Committee recommends that advocates assist in the process of screening officers for the communication skills, basic empathy, and emotional resilience required for the work, as well as to screen out any ideological bias against sexual assault victims or gender bias. Advocates from the FJC and SART (and from the CAC for Child Abuse) could participate in the Department's "Knowledge, Skills and Ability" selection process.

Finally, we recommend that once the Units grow to full strength, that a number of detectives proportionate to the caseload be assigned to handle carnal knowledge cases involving adolescents, and that these detectives receive special training in human trafficking issues. The Department has only begun the process of investigating the widespread problem of sex trafficking, though it has taken the encouraging step of participating in a newly created federal taskforce. While most of those cases will be uncovered in the context of adult prostitution, many of them also involve victims who are minors. See, for example, the recent study at Covenant House uncovering a 14% rate of trafficking among their residents.

<http://www.covenanthouseno.org/wp-content/uploads/2015/03/Trafficking-Exploitative-Labor-Homeless-Youth-New-Orleans.pdf>

**V. Future Work of the Committee**

The Committee will continue to work every month to support and preserve the reform efforts. Moreover, the Committee worked hard to create structural requirements of supervision and quality control to ensure that the reforms will outlast the good intentions of the current administration.

**VI. Conclusions**

City officials and the New Orleans Police Department have made extraordinary gains in the response to sexual assault. They have embraced and implemented the Committee's proposals, fundamentally transforming police procedures, training, and the testing of sexual assault kits. NOPD now responds to victims with social workers, consistent communication, and in the environment of the Family Justice Center. Detectives have the basic equipment they need to do their jobs. And NOPD has built in permanent mechanisms to protect these reforms: supervisory checklists, victim feedback, and a multi-disciplinary team to evaluate the quality of investigations.

One major obstacle remains, however. Having regained some of the public's trust, NOPD finds its increased detectives units outpaced by an even greater increase in reporting rate. The overburdened Department, juggling many important



priorities, has not been able to dedicate sufficient detective resources to investigate these cases properly.